

REMARKS

Claims 1-25 are pending. Of those, claims 1, 10 and 16 are independent.

§103 Rejection

Beginning on page 2 of the Office Action, claims 1-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,363,081 to Gase (the '081 patent) in view of U.S. Patent No. 6,282,586 to Bullough (the '586 patent) Applicant traverses.

On page 2 of the Office Action, the Examiner agrees with Applicant that a distinction over '081 patent is a liaison interface to handle communications from a plurality of end user devices that are intended for a monitoring interface and to handle communications from the monitoring interface that correspond to the communications from the end user devices, respectively. However, the Examiner believes that this is disclosed by the '586 patent, and further believes that one of ordinary skill in the art would have been motivated to adapt the '081 patent according to such aspects of the '586 patent. Again, Applicant traverses.

The '586 patent is directed toward a method for facilitating the interaction of a single port interface, e.g., VCOMM 200, with one of a plurality of hardware devices (220, 222, 224) via the selection of a corresponding one of a plurality of port drivers (206, 208, 210), respectively. The communication between VCOMM 200 and the desired one of the plurality of port drivers (206, 208, 210) is brokered by a port driver router 204. As stated in column 2, line 53 to column 3, line 7 (underlined emphasis added):

The present invention relates to a method for alternatively employing one of a plurality of port drivers without requiring the redevelopment of a communication application which traditionally has a single port interface. ... In the present invention, the port driver router interfaces with the present hardware structure to determine which one of a possible plurality of hardware devices should be employed in the present port session. The port driver router [204] thereafter makes a determination of which port driver¹, herein known as the real port driver, should be employed to properly interact with the selected hardware device.

¹ It is noted that this term is singular not plural.

Once the port driver router [204] has determined which port driver² should be employed for communicating with the hardware, the port driver router [204] issues in request to the operating system or hook particular device service requests for servicing the port driver router [204].

Broker (port driver router) 204 brokers the making of a connection between VCOMM 200 and one of the port drivers 206/208/210 and then withdraws from its position as interposed between the two once substantive communication between the selected one of port drivers 206/208/210 and VCOMM 200 is ready to commence. Such brokering is depicted in the initialization phase 300 of sequence diagram Fig. 3A and the port open function phase 316 of the sequence diagrams of Figs. 3B-3C. At the end of the brokering, namely at the end of port open function 316, broker (port driver router) 204 stops intercepting VCOMM calls (see arrow 340; also lines 39-41 of column 6) and provides the port handle of the selected port driver 206/208/210 to VCOMM 200 (see arrow 342; also lines 51-53 of column 6).

In the subsequent port driver functionality phase 350 (having only arrow 344), it is to be observed that broker (port driver router) 204 is not involved the communication between VCOMM 200 and hardware 220/222/224. This is reflected in phase 350 by no arrow terminating upon or originating from broker (port driver router) 204, as had been the case in the preceding phases 300 and 316. As stated in lines 54-65 of column six (underlined emphasis added):

All subsequent interaction 344 in phase 350 between VCOMM [200] and port driver 206, 208 or 210, during the port driver functionality phase [350], occurs directly through interface see 216, which is provided by the function pointers returned in the port information structure 332 of the real port driver [206/208/210]. Such an implementation provides a very efficient interface that does not carry additional overhead that would [otherwise] be required for the passing of all functions through port driver router [broker] 204. That is to say, through the port driver functionality phase 350, port driver router [broker] 204 is no longer involved until VCOMM 200 initiates or calls Port Close function [in phase 360].

Broker (port driver router) 204 is not interposed in substantive communications between VCOMM 200 and be selected port driver 206/208/210. The distinction of claim 1 over

² Again, it is noted that this term is singular, not plural.

the '081 patent that has been acknowledged by the Examiner also is a distinction over the '586 patent.

Again, that distinction is a liaison interface to handle communications from a plurality of end user devices that are intended for a monitoring interface and to handle communications from the monitoring interface that correspond to the communications from the end user devices, respectively. The interaction of broker (port driver router) 204 exhibited in the initialization phase 300 of Fig. 3A and the port open function phase 316 of Figs. 3B-3C is interposed only in non-substantive communication between VCOMM 200 and one of port drivers 206/208/210, not multiple ones of port drivers 206/208/210. It is unreasonable to treat the behavior exhibited by broker (port driver router) 204 in phases 300 and 316 as liaison behavior; rather it is brokering behavior. As a broker, port driver router 204 does not also involve itself in the substantive communications between VCOMM 200 and hardware 220/222/224, as would a liaison. Rather, after brokering the capability for substantive communications, broker (port driver router) 204 removes itself from the exchange, as reflected by the depiction of arrow 344 in port driver functionality phase 350 of Fig. 3C.

Independent claims 10 and 16 recite corresponding features that similarly distinguish over the '586 patent, as well as the '081 patent and their combination. Claims 2-9, 11-15 and 17-25 depend at least indirectly from claims 1, 10 and 16 respectively, and fare distinctions at least by dependency.

In view of the foregoing discussion, the § 103 (a) rejection of claims 1-25 over the combination of the '081 patent and the '586 patent is improper and Applicant requests that it be withdrawn.

CONCLUSION


The issues in the case are considered to be resolved. Accordingly, Applicant again requests a Notice of Allowability.

Person to Contact

In the event that any matters remain at issue in the application, the Examiners are invited to contact the undersigned at (703) 668-8000 in the Northern Virginia area, for the purpose of a telephonic interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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